

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOHNELL A BELL, I,)	
)	
Plaintiff,)	
)	
v.)	No. 4:14CV27 CEJ
)	
GEORGE A. LOMBARDI,)	
)	
Defendant,)	

MEMORANDUM AND ORDER

This matter is before the Court on its own motion. The Court attempted to serve a summons and a copy of the complaint on defendant Don Roper at the address provided by plaintiff. The summons was returned unexecuted because Roper does not reside at that address.

Rule 4(m) of the Federal Rules of Civil Procedure provides:

If a defendant is not served within 120 days after the complaint is filed, the court on motion or on its own after notice to the plaintiff must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

More than 120 days have passed since the Court reviewed the complaint and ordered service to be executed on Roper. Thus, Roper is subject to dismissal under Rule 4(m). Before taking any further action, the Court will give plaintiff the opportunity to show cause why Roper should not be dismissed for lack of service.

Accordingly,

IT IS HEREBY ORDERED that plaintiff shall show cause, in writing and no later than August 22, 2014, why defendant Roper should not be dismissed for lack of service.

IT IS FURTHER ORDERED that if plaintiff fails to show adequate cause or fails to respond to this Order, then this action will be dismissed against defendant Don Roper without prejudice.

Dated this 5th day of August, 2014.

A handwritten signature in cursive script, appearing to read "Carol E. Jackson", written in black ink.

CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE